

AN ACT

ENTITLED, An Act to revise certain definitions relating to migratory birds, waterfowl, and small game and require certain hunting permits and licenses when hunting sandhill crane and snipe.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 41-1-1 be amended to read as follows:

41-1-1. Terms used in this title mean:

- (1) "Any part thereof" or "the parts thereof," includes the hide, horns, and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to;
- (2) "Bait," baitfish and other wild animal groups of amphibians (frogs and salamanders), crustaceans (crayfish and freshwater shrimp), reptiles (snakes and lizards), and mollusks (clams and snails);
- (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus spp.) and goldfish (carassius spp.), fish of the sucker family (castostomidae) except buffalofish (ictiobus spp.) and carpsucker (carpiodes spp.), and fish of the stickleback family (gasterosteidae);
- (4) "Big game," all cloven-hoofed wild animals and wild turkey;
- (5) "Big game seal," a locking seal which bears the same number as the license with which it is issued;
- (6) "Big game tag," a tag which is part of the regular big game license and bears the same number as the license proper;
- (7) "Biological specimens," wild nongame animals used for scientific study and collected for resale to biological supply companies;
- (8) "Carcass," the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof;
- (9) "Domestic animal," any animal that through long association with man, has been bred to

a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind;

- (10) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in any manner. If the word, fish, is used as a verb, it has the same meaning as the word, fishing;
- (11) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift fox, coyote, bobcat, lynx, weasel, and jackrabbit;
- (12) "Game," all wild mammals or birds;
- (13) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout), pike, catfish (including bullheads), sunfish (including black bass and crappies), perch (including walleye and sauger), and bass families. All species not included in the game fish families are rough fish;
- (14) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take, catching or killing of any wild animal or animals;
- (15) "Loaded firearm," any firearm or other implement capable of discharging a projectile, containing cartridges, shells or projectiles in either the chamber, clip, or magazine;
- (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild ducks;
- (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;
- (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or in the air;
- (19) "Nondomestic animal," any animal that is not domestic;
- (20) "Possession," both actual and constructive possession, as well as the control of the article referred to;

- (21) "Predator/varmint," coyote, gray fox, red fox, skunk, English house sparrow, European starling, gopher, ground squirrel, chipmunk, jackrabbit, marmot, unbanded undomesticated pigeon (rock dove), porcupine, crow, and prairie dog;
- (22) "Resident," a person actually living within and intending to make the person's home in this state. No resident may lose rights under this title by reason of the resident's absence on business of the United States or of this state, or armed services of the United States or the spouse of an active duty military person, or any student regularly attending a school of higher learning as a full-time student;
- (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell, use or dispose of;
- (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser, and river and sea ducks; the rallidae, commonly known as rails, coots, and gallinule; the limicolae, referring specifically to shore birds, plover, snipe, and woodcock; the gruidae, commonly known as sandhill crane; the columbidae, commonly known as the mourning dove; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges, and quail but does not include wild turkeys; cottontail rabbit; and fox, grey and red squirrel;
- (25) "Trapping," the taking or the attempting to take of any wild animals by means of setting or operating of any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture a wild animal or animals. If the word, trap, is used as a verb, it has the same meaning as the word, trapping;
- (26) "Trout streams" or "trout waters," all waters and streams or portions of streams which contain trout;
- (27) "Waters of the state," all the boundary waters of the state, and the provisions of this title are deemed to extend to and be in force and effect over and upon and in all thereof, unless otherwise expressly provided;

(28) "Wild animal," any mammal, bird, fish or other creature of a wild nature endowed with sensation and the power of voluntary motion.

Section 2. That § 41-6-16 be amended to read as follows:

41-6-16. It is a Class 2 misdemeanor for a resident to hunt small game without a resident small game license or resident youth small game license, or in violation of the rules of the Game, Fish and Parks Commission or § 41-8-1 or 41-11-5. It is a Class 2 misdemeanor for a resident to hunt dove, sandhill crane, and snipe without a migratory bird certification permit and a resident small game license or a resident youth small game license, or in violation of the rules of the Game, Fish and Parks Commission. It is a Class 2 misdemeanor for a person to hunt migratory waterfowl without the applicable small game license, a migratory bird certification permit, and a federal migratory bird stamp.

Section 3. That § 41-6-17 be amended to read as follows:

41-6-17. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill small game, other than migratory waterfowl, without a nonresident small game license or in violation of the conditions of the license or the rules of the Game, Fish and Parks Commission. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill dove, sandhill crane, and snipe without a nonresident small game license and a migratory bird certification permit, or in violation of the rules of the Game, Fish and Parks Commission.

A nonresident small game license, except as otherwise provided in this title and except for the taking of migratory waterfowl, entitles the licensee to all of the privileges of a resident small game hunting license for two periods of five consecutive days.

Section 4. This Act is effective on January 1, 2001.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1025

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1025
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State